

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	CRIMINAL NO. SA-10-CR-1089(7)
Plaintiff,	§	
	§	
v.	§	
	§	
JOHN DAVID VEIVIA (7),	§	
	§	
Defendant.	§	

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
PRO SE MOTION FOR EARLY TERMINATION**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE FRED BIERY:

The United States of America by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, files this Response to Defendant's Pro Se Motion for Early Termination.

On January 18, 2012, this Honorable Court sentenced the defendant to 41 months in the Bureau of Prisons, 5 years supervised release, and restitution of \$150,713.28, after the defendant plead guilty to Conspiracy to Commit Mail Fraud in violation of Title 18, U.S.C. §1349 in a car title washing scheme. After serving his sentence, defendant's term of supervised release began on April 25, 2014. Defendant now files a Pro Se Motion for Early Termination seeking to terminate his supervised release. The Government opposes early termination.

The Government made contact with defendant's supervising probation officer, Maria Baez, in the Houston United States Probation Office. Ms. Baez reported that defendant is in full compliance with his supervised release. However, of the \$150,813.28 in restitution the defendant was ordered to pay, defendant still owes \$147,266.02. According to Ms. Baez, it is the policy of the Houston Probation Office to not submit motions for early termination of supervised release.

It is the Government's contention that serving less than two years of a five year term of supervised release is not enough. While it is most commendable that the defendant is fully compliant, the massive amount of restitution he still owes warrants continued supervision to ensure the defendant maintains employment so that monthly payments are made.

WHEREFORE, PREMISES CONSIDERED, the Government asks that the Honorable Court DENY Defendant's Pro Se Motion for Early Termination.

Respectfully submitted,

RICHARD L. DURBIN, JR.
United States Attorney

By: _____/s/_____
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CERTIFICATE OF SERVICE

I certify that on February 25, 2016 a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System. A copy was mailed to the defendant at the following address:

John David Veivia
12926 Villawood Lane
Houston, TX 77072

_____/s/_____
SARAH WANNARKA
Assistant United States Attorney

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ORDER

Upon consideration of Defendant's Pro Se Motion for Early Termination, the Government's Response, and the entire record, said motion is hereby **DENIED**.

IT IS SO ORDERED.

SIGNED AND ENTERED on this the _____ day of _____, 2016.

HONORABLE JUDGE FRED BIERY
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF TEXAS